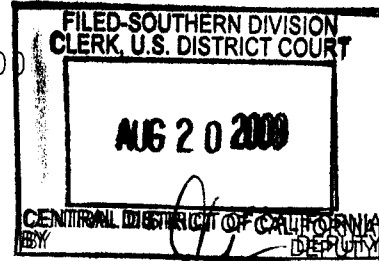


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United States of America

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,	)	Case No. SA CR 06-00016
	)	
Plaintiff,	)	
	)	
v.	)	<u>GOVERNMENT'S NOTICE OF REQUEST</u>
	)	<u>FOR DETENTION</u>
	)	
JOSEPH SHAMBAUGH,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff, United States of America, by and through its  
counsel of record, hereby requests detention of defendant and gives  
notice of the following material factors:

1. Temporary 10-day Detention Requested (§ 3142(d))  
on the following grounds:

- a. present offense committed while defendant was on  
release pending (felony trial), (sentencing),  
(appeal), or on (probation) (parole); or
- b. defendant is an alien not lawfully admitted for  
permanent residence; and

1       \_\_\_ c. defendant may flee; or

2       \_\_\_ d. pose a danger to another or the community.

3       X       2.   Pretrial Detention Requested (§ 3142(e)) because no  
 4               condition or combination of conditions will  
 5               reasonably assure:

6       X       a. the appearance of the defendant as required;

7       \_\_\_ b. safety of any other person and the community.

8       \_\_\_ 3.   Detention Requested Pending Supervised  
 9               Release/Probation Revocation Hearing (Rules  
 10              32.1(a)(6), 46(d), and 18 U.S.C. § 3143(a)):

11       \_\_\_ a. defendant cannot establish by clear and  
 12              convincing evidence that he/she will not pose a  
 13              danger to any other person or to the community;

14       \_\_\_ b. defendant cannot establish by clear and  
 15              convincing evidence that he/she will not flee.

16       \_\_\_ 4.   Presumptions Applicable to Pretrial Detention (18  
 17              U.S.C. § 3142(e)):

18       \_\_\_ a. Title 21 or Maritime Drug Law Enforcement Act  
 19              ("MDLEA") (46 U.S.C. App. 1901 et seq.) offense  
 20              with 10-year or greater maximum penalty  
 21              (presumption of danger to community and flight  
 22              risk);

23       \_\_\_ b. offense under 18 U.S.C. §§ 924(c), 956(a), 2332b,  
 24              or 2332b(g)(5)(B) with 10-year or greater maximum  
 25              penalty (presumption of danger to community and  
 26              flight risk);

27       \_\_\_ c. offense involving a minor victim under 18 U.S.C.  
 28

1            §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245,  
 2            2251, 2251A, 2252(a)(1)-(a)(3), 2252A(a)(1)-  
 3            2252A(a)(4), 2260, 2421, 2422, 2423 or 2425  
 4            (presumption of danger to community and flight  
 5            risk);

6            \_\_\_\_ d. defendant currently charged with an offense  
 7            described in paragraph 5a - 5e below, AND  
 8            defendant was previously convicted of an offense  
 9            described in paragraph 5a - 5e below (whether  
 10           Federal or State/local), AND that previous  
 11           offense was committed while defendant was on  
 12           release pending trial, AND the current offense  
 13           was committed within five years of conviction or  
 14           release from prison on the above-described  
 15           previous conviction (presumption of danger to  
 16           community).

17           \_\_\_\_ 5.    Government Is Entitled to Detention Hearing  
 18                      Under § 3142(f) If the Case Involves:

19           \_\_\_\_ a. a crime of violence (as defined in 18 U.S.C.  
 20                      § 3156(a)(4)) or Federal crime of terrorism (as  
 21                      defined in 18 U.S.C. § 2332b(g)(5)(B)) for which  
 22                      maximum sentence is 10 years' imprisonment or  
 23                      more;

24           \_\_\_\_ b. an offense for which maximum sentence is life  
 25                      imprisonment or death;

26           \_\_\_\_ c. Title 21 or MDLEA offense for which maximum  
 27                      sentence is 10 years' imprisonment or more;  
 28

1       \_\_\_ d. any felony if defendant has two or more  
2               convictions for a crime set forth in a-c above or  
3               for an offense under state or local law that  
4               would qualify under a, b, or c if federal  
5               jurisdiction were present, or a combination or  
6               such offenses;

7       \_\_\_ e. any felony not otherwise a crime of violence that  
8               involves a minor victim or the possession or use  
9               of a firearm or destructive device (as defined in  
10              18 U.S.C. § 921), or any other dangerous weapon,  
11              or involves a failure to register under 18 U.S.C.  
12              § 2250;

13       ~~\_\_\_~~ f. serious risk defendant will flee;

14       \_\_\_ g. serious risk defendant will (obstruct or attempt  
15              to obstruct justice) or (threaten, injure, or  
16              intimidate prospective witness or juror, or  
17              attempt to do so).

18       \_\_\_ 6. Government requests continuance of \_\_\_ days for  
19              detention hearing under § 3142(f) and based upon the  
20              following reason(s):

21              \_\_\_\_\_  
22              \_\_\_\_\_  
23              \_\_\_\_\_

24       //


25       //

1        7.    Good cause for continuance in excess of three days  
2           exists in that:  
3  
4  
5  
6

7    DATED: August 20, 2009

Respectfully submitted,

8           THOMAS P. O'BRIEN  
9           United States Attorney

10             
11           GREGORY W. STAPLES  
12           Assistant United States Attorney

13           Attorneys for Plaintiff  
14           United States of America  
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